

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL BIRCHETT, JR., et al.,

Plaintiffs,

v.

Case No. 07-CV-12939-DT

APARTMENT INVESTMENT AND
MANAGEMENT COMPANY, et al.,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION TO DISMISS AND GRANTING
PLAINTIFFS' COUNSEL'S MOTION TO WITHDRAW AS COUNSEL**

Before the court are two motions: (1) Plaintiffs Thomas Alderman, David Hook, Robert Howard, Paul Minarik, Thomas Vidak, Alaric Fairchild, Tansy Miller and James Ross's motion for a voluntarily dismissal, without costs and without prejudice, under Federal Rule of Civil Procedure 41(a) and (2) Plaintiffs' counsel Cohen, Milstein, Hausfeld & Toll, P.L.L.C. and Stueve Siegel Hanson LLP's motion to withdraw as counsel for Plaintiffs Joseph Antonelli, Craig Blake, Roger Gagnon, Raven Germain, Albert Horton, Jr., Cornell Johnson, Frederick Leeper, Stephen Lukaswewycz, Donald McAtee, Matthew Moore, James Tabor, Joseph Tatum, Steven Wenzel and Douglas Wilkins. Plaintiffs indicate in both motions that Defendants do not oppose either motion. The court has reviewed the motions and the supporting affidavits, and finds that the requested relief is appropriate.¹ Accordingly,

¹Although the court does not typically grant motions to withdraw as counsel without a stipulation of substitute counsel, under the circumstances, the court finds that withdrawal is appropriate. Plaintiffs' counsel avers that, despite repeated efforts to contact the fourteen listed Plaintiffs, Plaintiffs have failed to respond to counsel's many

IT IS ORDERED that Plaintiffs Thomas Alderman, David Hook, Robert Howard, Paul Minarik, Thomas Vidak, Alaric Fairchild, Tansy Miller and James Ross's motion for a voluntarily dismissal [Dkt. # 21] is GRANTED and these Plaintiffs are DISMISSED without prejudice and without costs or fees.

IT IS FURTHER ORDERED that Plaintiffs' counsel Cohen, Milstein, Hausfeld & Toll, P.L.L.C. and Stueve Siegel Hanson LLP's motion to withdraw as counsel for Plaintiffs Joseph Antonelli, Craig Blake, Roger Gagnon, Raven Germain, Albert Horton, Jr., Cornell Johnson, Frederick Leeper, Stephen Lukasewycz, Donald McAtee, Matthew Moore, James Tabor, Joseph Tatum, Steven Wenzel and Douglas Wilkins [Dkt ## 23 & 24]² is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 17, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 17, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

efforts. Counsel has certain ethical responsibilities to the client and the court which, quite simply, cannot be fulfilled if Plaintiffs refuse to communicate with their attorney.

²Due to an attorney error when docketing, the motion to withdraw appears twice on the court's docket. When counsel originally docketed its motion to withdraw, they inadvertently docketed a proposed order as the motion [Dkt. # 23]. Thus, they filed a second motion to withdraw [Dkt. # 24]. In order to clarify the docket, the court will grant both "motions."